

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Karl Fugate,

Plaintiff(s),

vs.

Ron Erdos, Warden, et al.,

Defendant(s).

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Case Number: 1:19cv30

Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on February 14, 2019 a Report and Recommendation (Doc. 4). Subsequently, the plaintiff filed a response to the Report and Recommendation (Doc. 6).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, the complaint (Doc. 1-1) is DISMISSED with prejudice pursuant to 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1), with the exception of plaintiff's Eighth Amendment excessive-force cause of action against defendants Fri, McCoy, Felts, and Esham, and plaintiff's Fourth and Eighth Amendment causes of action against defendant Erdos. *See* 28 U.S.C. §§1915(e)(2)(B) and 1915A(b).

IT IS SO ORDERED.



Judge Susan J. Dlott
United States District Court